

الحقوق والواجبات على
الرجال والنساء في الإسلام

The Rights and Obligations Upon
Men & Women
in Islaam

By the Esteemed Shaykh:
Rabee ibn Haadee ibn Umayr Al-Madkhalee

With the Introduction of Shaykh:
Saalih ibn Fawzaan Al-Fawzaan

All Rights Reserved®

No part of this Publication from Tarbiyyah Bookstore Publishing & Distribution may be reproduced in any form, whether it is through electronic means, mechanical means or other than that. Again, no part of this publication may be changed by any means possible without the explicit written approval of Tarbiyyah Bookstore Publishing & Distribution.

First Edition: May 2007
ISBN 10: 0-9770581-3-1
ISBN 13: 978-0-9770581-5-0

Cover Design: Aboo Faarooq 'Abdus-Salaam al-Kanadee

Published by: Tarbiyyah Bookstore Publishing

Table of Contents

| | |
|---|-----|
| The Introduction of Shaykh Saalih al-Fawzaan | 4 |
| The Introduction of Shaykh Rabee' Ibn Haadee | 7 |
| Chapter 1: The Condition of People Prior to Islaam & the Rights of the Women. | 8 |
| Chapter 2: The Demand for Equality Between the Man & the Woman & the Demand for Equality Concerning Rights & Obligations. | 28 |
| Chapter 4: The Authority Which Allaah Legislated & the Muslims Implement, & the Clarification of Its Purposes. | 72 |
| Chapter 5: Is the Evidence of the Scholars Selective? | 112 |
| Chapter 6: Is the woman in the Kingdom of Saudi Arabia oppressed as Claimed by the Supporters of this woman? | 118 |
| Chapter 7: The Bridal Money of the Women & their Lives During the Time of the Messenger of Allaah. | 120 |
| Glossary of Beneficial Terms | 125 |

The Introduction of Shaykh Saalih Al-Fawzaan

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

All praise is due to Allaah, the Most Wise, the Well-Informed who created the male and the female and established for the both of them rights. There are rights and obligations for Him, and the prayers of peace are for our prophet Muhammad and upon his family, companions, and whomsoever follows his guidance and holds fast to his *Sunnah*.

As to what follows:

With certainty, it is known that Allaah, the Glorified and Exalted, legislated for His servants that which is most beneficial for them both in issues of their religion as well as their worldly affairs; just as He commanded them with the establishment of justice between them. This arises by adhering to the Book and the *Sunnah* and not by the following of the aspirations and one's inclinations. If the principle was made to cater to these inclinations, indeed this would lead to the decline of the elation of the earth and its inhabitants.

Whoever is not pleased with what Allaah has legislated is not a believer as Allaah the Exalted says:

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ

لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا

مُبِينًا ﴿٥٥﴾

“It is not for a believing man or woman, when Allaah and His Messenger have decided a matter that they should have any choice in their affair. And whoever disobeys Allaah and His Messenger, he has indeed strayed into clear error.”

[Sooratul-Ahzaab (33):36]

Allaah the Exalted says:

﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا

تَجِدُوا فِي أَنْفُسِهِمْ حَرَجًا مِمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾

“But no, by your Lord, they will not believe, until they make you (O Muhammad) judge concerning all the issues of dispute between them, and they find in themselves no opposition to what you have judged, and accept (it) with full submission.”

[Sooratu-Nisaa' (4):65]

This issue of women's rights has become a subject of dispute in recent times. It seems that both women and men similarly have spoken on this issue, but they speak either from ignorance or from their common desires. A prime example of this can be found in what emerged in the conference of women, which concluded in Jeddah a few days previously. The Noble Shaykh Rabee' ibn Haadee 'Umayr Al-Madkhalee, may Allaah preserve him clarified what occurred in that assembly of confusion, ignorance and false claims; that the Muslim woman is oppressed and her rights are subjugated.

If this claim of theirs was directed towards Islaam and asserted that Islaam oppresses women, then it necessitates disbelief in Allaah. If indeed this claim is directed at some men who oppress women, then this is possible, but we do not ascribe this behavior to Islaam. Indeed this rogue behavior is to be only attributed to whomever it is

derived from. Yes, oppression can result from the actions of some men towards women, but the oppression which occurs by way of women towards men is possibly greater.

The way of alleviating this oppression returns to the Islaamic Legal Courts and not to conferences and assemblies just as Shaykh Rabe'e¹ has mentioned, and may Allaah preserve him. Indeed his response was precise and beneficial and may Allaah reward him with good and place great benefit in what he has written.

Written by:

Saalih ibn Fawzaan Al-Fawzaan

Member of the Permanent Committee of Senior Scholars

The Introduction

As to what follows:

It has become prevalent in recent times in the land of the *Haramayn*,¹ that certain people call to the establishment of women's rights and express pretension concerning this issue. It was discovered from some women those who call to what is similar to the call to women's rights. Therefore this call compels the Muslim to say a word of truth in clarification of the rights of men and women and their respective obligations, while also clarifying the status of women in non-Muslim nations. Therefore, in presenting these issues of opposition, it is hoped that things may become clearer.

¹ Two sacred sites in which certain actions are prohibited

Chapter 1:

The Condition of People Prior to Islaam & the Rights of the
Women

From the Hadeeth of Iyyaadh ibn Himmaar At-Taweel has come the statement of the Messenger of Allaah ﷺ:²

«وَأَنِّي خَلَقْتُ عِبَادِي حُنَفَاءَ كُلُّهُمْ وَإِنَّهُمْ أَتَتْهُمْ الشَّيَاطِينُ فَاجْتَالَتْهُمْ عَنْ دِينِهِمْ وَحَرَّمْتَ عَلَيْهِمْ مَا أَحَلَلْتُ لَهُمْ وَأَمَرْتَهُمْ أَنْ يُشْرِكُوا بِي مَا لَمْ أَنْزِلْ بِهِ سُلْطَانًا وَإِنَّ اللَّهَ نَظَرَ إِلَى أَهْلِ الْأَرْضِ فَمَقَّتَهُمْ عَرَبَهُمْ وَعَجَمَهُمْ إِلَّا بَقَايَا مِنْ أَهْلِ الْكِتَابِ»

"Indeed, I have created all of my servants possessing a natural inclination towards My worship, but it is the devils who come to them and turn them away from their religion. They prohibit what has been made permissible for them and they command them to associate others in worship with Me, while they have not received revelation which commands them to do so. Certainly, Allaah looked to the inhabitants of the earth (land) and detested both the 'Arabs and the Non-'Arabs except those who remained from the People of the Book."³

² Editors Note: This Hadeeth is referencing the period before advent of Islaam, and the character of the people before Islaam came to rectify the character of the people.

³ Saheeh Muslim (2865), Ahmad (162/4)

Book 040, Number 6853: 'Iyyaadh bin Himmaar reported that Allaah's Messenger ﷺ, while delivering a sermon one day, said: Behold, my Lord commanded me that I should teach you which you do not know and which He has taught me today. (He has instructed): The property which I have conferred upon them is lawful for them. I have created My servants as one having a natural inclination to the worship of Allaah but it is Satan who turns them away from the

Indeed the Noble Qur'aan has mentioned many examples of Pre-Islaamic women and their behavior, as well as the pagans, and the People of the Book. From these examples is the pre-Islaamic 'Arab's oppression of the woman, and her belittlement and depreciated status amongst them and their indignation of her and dissatisfaction with her from the time of her birth until death overtook her.

﴿وَإِذَا بُشِّرَ أَحَدُهُمْ بِالْأُنْثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ
يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَبِهِ أَيُمْسِكُهُ عَلَىٰ هُونٍ أَمْ
يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ﴾

"And when one of them is informed of (the birth) of a female, his face becomes dark, and he withholds his grief! He hides himself from the people because of the evil of that which he has been informed. Should he keep it with disgrace or bury it in the ground? Certainly, evil is their decision."

[Sooratun-Nahl 16:58-59]

Her status with respect to other nations is even worse. She does not have any familial rights, and she used to be bought and sold in the markets. During the Roman Era, there existed for men absolute dominance and complete rights over his family; so the man is given the ultimate decision over his wife and can determine death for her for the slightest of accusations, just as it is for him to kill his children or torture them without question.

right religion and he makes unlawful what has been declared lawful for them and he commands them to ascribe partnership with Me, although he has no justification for that. Verily, Allaah looked towards the people of the world and He showed hatred for the 'Arabs and the non-'Arabs, but with the exception of some remnants from the People of the Book.

The woman according to the Hindus, is in an extreme state of humility and lowliness. If her husband dies, then it is upon her to burn her own body in a place which is near the location of her husband's body. ⁴ Indeed, she must be pleased with this end because it liberates her from the maltreatment and humility, which she experiences.

According to the Jews, she is a curse, because she misled Aadam. According to some groups from among them, the father has the right to sell her, and to abandon sitting with her and eating with her if she menses, and she is not to touch any eating or drinking utensils until her touch does not 'contaminate'. ⁵

⁴ Editor's Note: This is often related to dowry, when the bride's family cannot pay up to the amount demanded by the in-laws. Often the in-laws make demands in excess of those made at the time of marriage. When the deadline specified runs out, the bride is burned in often gruesome fashions. At least 5000 women die each year for not bringing in enough dowry. At least a dozen women die each day in 'kitchen fires,' which are often passed off as accidents, because their in-laws are not satisfied with their dowries. Only a few of the murderers are brought to justice. [Kitchen 1997]

A Hindu-Aryan husband could at any time accuse his wife of infidelity. In case the wife protests her innocence, the council of village elders would then order an ordeal by fire. The accused wife would be required to pass through a blazing flame. Not just death, but any signs of burns would be taken as a sign of guilt and the wife would then have to undergo the penalty for infidelity [EB 8:986 'ordeal']. Adultery carries the death sentence in Aryan law, so either way she would have to pay with her life for her husband's or elders' mere suspicions. The ideal role model for this custom was Sita, Ram's wife. She was required by her spouse, the "ideal husband" of the Hindus, to pass through the fire ordeal after her return from Sri Lanka.

⁵ Editor's Note: "When a woman has her regular flow of blood, the impurity of her monthly period will last seven days, and anyone who touches her will be

The early Christians determined that marriage was impure and that it was obligatory to abstain from it. They also proclaimed that the woman was the door to satan (devil), therefore a relationship with her was an abomination. ⁶

In the year 586 of the Christian era; a conference was held by some Frenchmen to establish whether or not the woman is human, and whether or not she possesses a soul; and if indeed she possesses a soul, then is this soul human or animal in its nature. It was finally determined upon the conclusion of this assembly that she possesses a human soul although she was created only for the sole purpose of serving the man.

Women remained subjugated conforming to English law in general until approximately the middle of the last century where they were

unclean till evening. Anything she lies on during her period will be unclean, and anything she sits on will be unclean. Whoever touches her bed must wash his clothes and bathe with water, and he will be unclean till evening. Whoever touches anything she sits on must wash his clothes and bathe with water, and he will be unclean till evening. Whether it is the bed or anything she was sitting on, when anyone touches it, he will be unclean till evening." (Lev. 15:19-23)

Editor's Note: St. Augustine of Hippo (354-430 CE), He wrote to a friend: "What is the difference whether it is in a wife or a mother; it is still Eve the temptress that we must beware of in any woman... I fail to see what use woman can be to man, if one excludes the function of bearing children."

St. Thomas Aquinas (1225-1274 CE): "As regards to the individual nature; woman is defective and misbegotten, for the active force in the male seed tends to the production of a perfect likeness in the masculine sex; while the production of woman comes from a defect in the active force or from some material indisposition, or even from some external influence."

Martin Luther (1483-1586): "If they [women] become tired or even die, that does not matter. Let them die in childbirth, that's why they are there."